

RECEIVED
CENTRAL FAX CENTER

SEP 21 2004

ARMSTRONG TEASDALE LLP

One Metropolitan Square, Suite 2600

St. Louis, Missouri 63102-2740

Phone: (314) 621-5070

Fax: (314) 621-5065

www.armstrongteasdale.com

**CERTIFICATE OF FACSIMILE TRANSMISSION TO THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

DATE: September 21, 2004

TO: Examiner: John K. Fristoe, Jr. : RE: U.S. Patent Application
Art Unit: 3754 : Serial No.: 09/754,541
Fax: (703) 872-9306 : Applicant: Jeffery Allen Tupis
From: Thomas M. Fisher : Atty. Dkt. No.: 9D-HR-19690

DOCUMENTS SUBMITTED WITH TRANSMISSION:

Amendment in Response to the Office Action dated July 28, 2004 (7 pgs.)

Amendment Transmittal (3 pgs.)

Certificate of Facsimile Transmission (1 pg.)

Total pages including cover page: 11

If all pages are not received, please contact: Laura Davis at Ext. 7938

RE: The above referenced U.S. Patent Application

Title: SEALED DAMPER ASSEMBLY

Filed: January 5, 2001

AT File No.: 13307-124

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that these papers are being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile Number (703) 872-9306 on the date shown above.


Thomas M. Fisher, Reg. No.: 47,564

The information contained in this facsimile message is information protected by attorney-client and/or the attorney/work product privilege. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by facsimile. If the person actually receiving this facsimile or any other reader of the facsimile is not the named recipient or the employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via U.S. Postal Service.

***IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT US IMMEDIATELY AT (314) 621-5070.**

PATENT
Attorney Docket No.: 9D-HR-19690

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffery Allen Tupis :
: Art Unit: 3754
Serial No.: 09/754,541 :
: Examiner: John K. Fristoe, Jr.
Filed: January 5, 2001 :
: :
For: SEALED DAMPER ASSEMBLY :

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:
 - Amendment in Response to the Office Action dated July 28, 2004 (7 pgs.)
 - Amendment Transmittal (3 pgs.)
 - Certificate of Facsimile Transmission (1 pg.)

STATUS

2. Applicant
☒ claims small entity status.
☐ is other than a small entity.


CERTIFICATE OF MAILING/TRANSMISSION**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS**Express Mail No.: EV US

Date: _____

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 21, 2004**FACSIMILE**

☒ transmitted by facsimile to the Patent and Trademark Office to fax number (703) 872-9306.



Thomas M. Fisher
Reg No.: 47,564

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ first month	\$ 110.00	\$ 5.00
_____ second month	\$ 420.00	\$ 210.00
_____ third month	\$ 950.00	\$ 475.00
_____ fourth month	\$1,480.00	\$ 740.00
_____ fifth month	\$2,010.00	\$1,005.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid therefor \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDITIONAL RATE FEE		ADDITIONAL RATE FEE
TOTAL	MINUS		=	x \$9 = \$		x \$18 = \$
INDEP.	MINUS		=	x \$43 = \$		x \$86 = \$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$145 = \$		+ \$290 = \$
				TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$

FEE PAYMENT

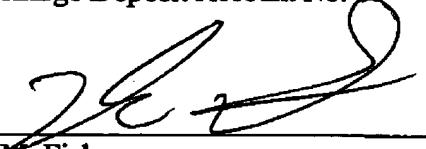
5. ☐ Attached is a check in the sum of \$_____
- ☐ Charge Deposit Account No. 01-2384 the sum of \$_____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:


 Thomas M. Fisher
 Reg. No.: 47,564
 ARMSTRONG TEASDALE LLP
 One Metropolitan Square, Suite 2600
 St. Louis, MO 63102
 314/621-5070

RECEIVED
CENTRAL FAX CENTER

005/011

SEP 21 2004

Transmitted Via Facsimile to (703) 872-9306

9D-HR-19690
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffery Allen Tupis :
Serial No.: 09/754,541 : Art Unit: 3754
Filed: January 05, 2001 : Examiner: John K. Fristoe, Jr.
For: SEALED DAMPER ASSEMBLY :

AMENDMENT

Mail Stop: AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

In response to the Office Action mailed July 28, 2004, please amend the above-identified patent application as follows: